

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT JOHN ALTAVILLA,

Plaintiff,

v.

LARKSVILLE BOROUGH POLICE,
et al.,

Defendants.

NO. 3:17-CV-01588

(JUDGE CAPUTO)

(MAGISTRATE JUDGE MEHALCHICK)

ORDER

NOW, this 12th day of September, 2018, upon review of the Report and Recommendation (Doc. 23) of Magistrate Judge Karoline Mehalchick for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 23) is **ADOPTED in part**.¹
- (2) The Motion to Dismiss (Doc. 8) is **DENIED without prejudice as moot**.
- (3) The Motion to Strike (Doc. 20) is **GRANTED**, and the Clerk of Court is directed to **STRIKE** Plaintiff's "Criminal Complaint" (Doc. 19) from the docket.
- (4) The matter is **RECOMMITTED** to Magistrate Judge Mehalchick for further proceedings.


A. Richard Caputo
United States District Judge

¹ The Report and Recommendation discusses Plaintiff's failure to properly serve Defendants and recommends Plaintiff be given the opportunity to do so. Since the issuance of the Report and Recommendation, however, Plaintiff appears to have properly served Defendants, (*see* Docs. 24-26), and Defendants have filed a renewed motion to dismiss. (*See* Doc. 28).